

REMARKS

The non-final Office Action dated April 24, 2003 has been reviewed, and the comments of the U.S. Patent Office have been considered. By this Amendment, Applicants have amended claims 2, 4, 5, 9, 10-13, 16, and 17, and canceled claims 1 and 3 without prejudice or disclaimer. Also, Applicants have added claim 18. Accordingly, claims 2 and 4-18 are pending and submitted for consideration by the Examiner.

Applicants thank the Examiner for indicating that claims 5-8 and 11-16 recite allowable subject matter. In accordance with the Examiner's helpful suggestions, claims 5, 12, and 16 have been rewritten in independent form. Claims 2, 4, and 9-11 have been rewritten to depend from allowable claim 5. Accordingly, Applicants respectfully submit that claims 2 and 4-16 are in condition for allowance.

The drawing is objected to under 37 C.F.R. § 1.83(a) for showing (a) only one resilient element 50, and (b) only the open configuration of the valve. Applicants respectfully submit that drawings are not necessary for the understanding of the features of the second resilient member in and intermediate configuration sought to be patented by Applicants. In accordance with 37 C.F.R. § 1.81, Applicants respectfully request that the objection to the drawings be withdrawn.

The drawing is also objected to under 37 C.F.R. § 1.83(a) for not labeling proximate valve element 40 and orifice 36. A proposed drawing revision for the Figure adding reference numeral 40 has been submitted with this Amendment. The proposed correction is in red ink. No new matter is believed to be entered by entry of the drawing revision. Moreover, Applicants have amended the specification for consistency with the reference numerals in the Figure. Accordingly, Applicant respectfully requests approval of the proposed drawing revision and the withdrawal of the objection to the drawing.

Claim 13 has been amended in accordance with the Examiner's instructions so that "elements" replaced "members" so that claim 13 has proper antecedent basis for the first and second valve elements recited in claim 12.

Claim 17 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,259,355 to Nakashima et al. ("Nakashima"), in view of U.S. Patent No. 5,803,056 to Cook et al. ("Cook"). Applicants have amended claim 17 to incorporate allowable

subject matter recited in claim 16. Thus, the rejection of claim 17 should be withdrawn. Further, Applicants have added method claim 18, which recites a method that incorporates allowable subject matter recited in claim 12. Accordingly, Applicants respectfully submit that claims 17 and 18 are in condition for allowance.

With no other rejection pending, Applicants respectfully submit that claims 2 and 4-18 are in condition for allowance.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this Application and the prompt allowance of pending claims 2 and 4-18. Applicants invite the Examiner to contact Applicants' undersigned representative if there are any issues that can be resolved via telephone conference.

Attached hereto is the paper "**REQUEST FOR APPROVAL OF DRAWING REVISION**" and a drawing sheet with the proposed revision in red ink.

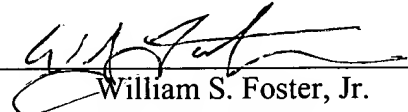
EXCEPT for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: **July 24, 2003**

By: _____


William S. Foster, Jr.
Reg. No. 51,695

Customer No. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Tel.: 202.739.3000
Fax: 202.739.3001